G. R. S. IX-5]

Previous references. 1895 ~~191~~ .

Later references. (L. R)

File No. 18.

Serial Nos. 1–14.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 14.

~~Part~~ B Part B for March 1897.

SUBJECT.

Rejection by Amilcars of applications for unsurveyed lands, not specially reserved by Government.

Letters marked

Indexed

62

3

~~I inspected~~

I inspected this land. It is very near to the Village of Kambathalli. There is a temple on this piece of land. The Villagers assemble once a year to worship the God. The portions of this land appertaining the temple are not fit for cultivation. Lower down there is a Kattay so that the land may be cultivated. It seems to be fit even for sinking wells. The portion on which the temple stands should be bonded and the rest given out for cultivation. Therefore, for the present, this Sanad for the whole land is rejected.

The Dy Commr on 20/8/95 sent for these records and has now made a reference to Govt as to whether the Amildars are competent to refuse to grant applications for assessed lands not specially reserved by Govt.

Subdt
A.S.
16/4/96

Sd by 2d Councillor.

I do not think this reference was necessary. If the Dy Commr was not satisfied as to the Amildars orders he was competent to set them aside (Sec 27 of the New Regulation) & it seems unnecessary to take a General ~~question~~ order that an Amildar is under no such

Madras compilation & collection Regulations applied lands, &c. calculation - Q

17-4-96.

Refer the Opinion wh. is to of the Z. Regulation & say that the question raised is one wh. regulated by an express provision in the Rules or the existing practice or any general or special orders of Govt. Moreover the wd. express provision in the Code authorizing the Govt. to take such actions. Nor do there seem to be any general or special orders on the subject - the existing practice must therefore be found out & reported in detail - In this case refer the Govt. to the rules competent to decide the orders of the Govt. under

Sir 217. whether by the Govt. or the Collector

Draft called for 14/5/96 Madras

Draft-awaited 13-5-96

Trees (2)

The merits of two cases have been submitted.

The first refers to survey No: 36, area 2¾ acres, assessment 1-12 of Kaviere village of Virajpet. Two ryots applied for this land on 23/12/93. The Shanbogue reported that on this land there were some 1200 trees & not of much value. The Amildar ordered on 29/12/93 that the land should be sold by auction. The Sheristadar on 1/2/94 reported that there was a temple on this land, that the same land had been dankhasted for in the 2 previous years that then disputes arose among the villagers about this land, that then the Sankhast was cancelled as the Sankhastdar said that he did not want the land and that in the present case also the people raised objections & would not sign the Istihar. After some more correspondence, the Amildar on 28/6/95 ordered as follows: — The villagers object to the grant of this land. Ryots devarn temple (Rs 52) lands there. Area 2¾ acres & ryots & others that once a year a Jatre is held there. Judicial also appeals. Land in 1892 this land was taken Sankhasted for and that subsequently the Sankhast was cancelled. The assessment being only Rs 1-12 Govt will not derive much profit from the grant of the land, the people also object to the grant thereof. Therefore this Sankhast is rejected (Rs 2-12-0)

The other case refers to survey No: 36

b

in the Land Rev. Code authorising the Amildars to exercise such powers, nor any general or special orders on the subject, the Deputy Commrs of Districts were requested to report in detail, the existing practice prevailing on the subject.

Vide Order No 10101-9 8/15/5/96
S. No 3.

4. In accordance with the above order, the Deputy Commrs have submitted their replies which are as follow: —

Bangalore District

5. The Deputy Commr of Bangalore reports that applications for

S. No: 7.

assessed

assessed lands are granted as per Rules if there are no objections, of any kind, and that in the disposal of the marginally noted cases, higher authorities are consulted.

Kolar District.

6. The Deputy Commr. states that applications received for assessed lands are not rejected by Amildars or Deputy Amildars on their own authority, but in doubtful or Jakrar cases, the matter is referred to the higher authorities for orders.

S. No: 7.

Tumkur District.

7. The Deputy Commr. of Tumkur states that under the existing practice

S. No. 10

1 Applications for lands containing reserved

2 – Do – for lands situ near villages and are for plantation or Common purposes.

3 – Do – for lands cont wells, mantapams, lightly assessed by

4 – Do – for lan by their situation likely to affect or Tanks.

5. Cases in which doubts or the inter of Govt and Ryot involved.

Area 33-10, Assessment 2-00 of Abbinda
village of Mamajuna Kotli. His land
is reported to contain a Kattay and
some trees of the value of about Rs 3-0-0.
One Bra applied for the land on 7/8/94.
The Builder on 17/8/94 ordered that the
Land be sold by public auction.
Before the Sale fixed for sale, the Servicest-
dar represented to the Builder that on
account of the failure of rain the crop
was not favourable and that therefore
the Ryotwari dar did not want the
land. The Builder reported this matter
to the Builder on 20/8/94. On 3/10/94
One Bra applied to the Builder
saying that his land belongs to his
uncle who gave it up during the famine
that he (Bra) was willing to pay all
the previous years' Kandayam and to
the land should be given to him. On
5/11/94 the Builder renewed his
Application. The Builder on 28/11/94
ordered that Mr. Charles Rowe should be
present before him. The parties not having
met, the Builder on 25/2/95 ordered the
Sale of the land in the presence of the Pat-
tukkaran and the Petty Dar. On the date
fixed for sale these two were absent so
the sale was not held. The Builder
on 24/4/95 fixed on the 26th for sale.
On 3/6/95 the people of Kanthapalli
(neighbouring village) presented a Petty
to the Builder objecting to the grant
of the land. The Builder personally
inspected the land and on 2/7/95
passed the order as follows — On
hearing the Parties of the Villagers, I do

For reading

~~GEN~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Re the Competency or otherwise of Amildars to reject (to grant on their own authority) applications for assessed Lands not specially reserved by Govt-

LAST REFERENCE. Letter No. 407 dated 9th Jan-96 from D.C. Nawan District.

Vide Serial Nos 1 and 2.

The Deputy Commr. of Chitaldurg, in representing that the Amildar of Hiriyur had passed orders declining (unreserved) to grant certain assessed lands ~~applied for~~ for/ cultivation, solicited — instructions as to whether, under the Provisions of the Land Rev. Code, — Amildars ~~under their~~

~~over~~

10 he sees no reason
to alter the present practice
He further represents that
if Amildars are to refer
to District office all ~~the~~
doubtful
cases ~~in which~~, Correspondence
will considerably increase
and moreover orders
will have to be passed
on the references made
without the advantages
of hearing the parties
Concerned, or the tedious
and the dilatory process
of issuing notices to them
and fixing dates for
hearing will have to
be adopted; ~~and that~~
While
according to the present
practice, the appellants
may be heard whenever
they come with the
endorsements given
by

by the Amildars.

Hassan District

S. No: 11.

9. The Deputy Commr of Hassan states "That the only circumstance under which Amildars refuse to grant application on their own authority, is, when the amount bid for in the auction is less than the ~~grant~~ upset price fixed on it and the auction purchaser refuses to pay the same;

(2) That in the Manjarabad Taluk, Durkhasts for assessed waste lands fit for coffee cultivation are rejected and likewise applications for dry lands situated near Coffee Estates are also

~~[illegible]~~ were competent

to refuse to grant applic-

ation for assessed lands

not specially reserved

by Govt.

2. In reply the Deputy

Commissioner's attention + S. no. 3.

was drawn to Section 10

of the L. Rev. Code ~~and~~

~~if it was observed~~ that the

question raised was

one to be regulated

by (1) an express provision

in the Regulation or

by (2) the existing practice

or (3) any general or special

orders of Govt.

3 As however, there seemed to

be no express provision

in

practice, Amildars as subject to appeal, a rule reject applications for such lands on the following grounds:

(1). When no proper value is realized for the lands and trees standing on them.

(2). When the lands contain topes or large numbers of trees and are therefore unsuited for cultivation.

(3). When the lands contain numerous date trees or are in the midst of Toddy groves.

(4). When the villagers object to the grant of the lands for cultivation on the ground of public inconvenience.

S. No: 10.

14

the Amildars on the subject, expresses the desirability of laying down some definite ruling in the matter, as the present practice in his District is varied.

Submitted for orders.

The Secretary has already observed on Office note Serial No 2 that it is unnecessary to pass a general order that an Amildar is under no circumstances competent to decline to grant assessed lands for cultivation, the Amildars orders being liable to be set aside by the Dy Commissioner under Section 217 of the Land Revenue Regulation.

DD
18/12/26

The Amildar should be guided by the provisions of Rule XX of the L R Rules in certain special cases he is required to obtain the orders of the Dy Com[illegible]

in ordinary cases
he is required to
grant such appli
cations after necessary
inquiry & observance
of the rules prescribed
for his disposal of
Darkhasts. He is
not [illegible] authorized
to refuse to grant
such applications.

Submitted to
Secretary

Yr
19/12/98

15

Sd Bz 4/12.

There seems to exist no
uniformity of practice
throughout the Province.
If it is deemed necessary
to pass a general order, on which point I am doubtful
some such order as the
following may be passed:

"In doubtful cases
not provided for by
Rules or Standing Orders,
(no Darkhast for waste
Arid (unpeopled) land shall
be disposed by auction
by Collectors without the
orders of Government
Collectors in charge of

not to be
disposed
of

the Commissioner is
of opinion
that there is nothing
illegal in the proceedings
of the Amildars in this respect
as they have been
exercising these powers
from a long
time before the passing
of the Rev Code and as
the continuance of such
exercise of powers is
sanctioned by para 2
of Section 10 of the said
Code.

Mysore District
S. No. 4

8. The Deputy Commr.
in representing that
the Amildars are
in the habit of refusing
to grant applications
for lands, states that
he

I also rejected on the ground that they may be applied for coffee drying grounds &c and (3) that under recent rulings (vide Rule 19 of the Forest Rules of 1878) Amildars refuse Durkhasts when Durkhastdars do not consent to leave† unlinched 50 yards strip of land on either bank of the hill streams.

† Embrace fat up.

Shemoga District

S. No. 6

10. The Deputy Commr. of Shemoga reports that no instances are forthcoming in his District of Amildars having refused to sanction Durkhasts without obtaining the orders of the Deputy Commr. and that there are no references to show that any instructions had been

been issued in the matter from his office.

Kadur District.

11. The Deputy Commr of Kadur states that in some Taluks such Darkhasts are disposed of after obtaining orders of the Deputy Commr when objections are raised, ~~and that~~ while in others the Amildars on their own responsibility refuse such Darkhasts if valid grounds exist for so doing. S. No. 5.

Chitaldurg District.

12. The Deputy Commr of Chitaldurg in submitting a summary of replies received from the S. No. 8.

19

for the sanction of the Collector or of the Assistant Collector. He further states that there is no necessity for interfering with the existing rules as regards granting of applications for unoccupied assessed lands as there is still plenty of land available for cultivation in the Province.

Submitted to Secretary

Please see 2d Commissioner's order on the first portion of the Office note below

VC
20/1/97

This may I think be adopted -

RB. 20/1/97

Richard Bradley
20-1-97

20

Pass on order
papers [illegible]
by the Sept 97 [illegible] it

7/497

Doc'd
9-2-97

2 drafts Sub'd
88.
10/2/97

16

Reasons to be given all such cases should be recorded with a clear statement of the grounds upon which rejection is recommended."

20-12-96. G.

Wed 6.30 pm.
21/12/96.

Send them with Survey Supt & ask him whether the present system of advertising and tendering and pre-qualification by questionnaire is not adequate to safeguard the Govt's interest.

22/12/96

23-12-96

Draft sent.
as req'd.

P.T.O

22

Gen. Serial No. 30.]

1896

From The Deputy Commissioner
Chitaldroog District

To

The ~~Chief~~ Secretary to the Govt:
~~Dewan~~ of Mysore.

Bangalore

Dated 17th March/96.
Despatched 23rd
Received

Enclosures No. One file of Cantonment papers.

General No 761
Section L No 472.
In No 48-95
Serial No 1

SUBJECT.

Soliciting certain instructions as to whether the Amildars are competent to refuse to grant applications for assessed land do not specially reserved by Govt: &c.

Dur
DD 26/3/96 Rev: dept. 2573/95

References—(to be entered only in the Dewan's Office).

omitted for brevity.
is no rule under which
Amildar can reject
khush for assessed lands.
the present case, the Amildar
has to have rejected the
khush pending the sub-
ision of the land, a portion
ich is said to be occupied
temple - but no steps have
ently been taken for
sub division -

Please see Rule
X, paras 6, 8 &
Mr Amildar
ght to have reported
matter to Mr Dr
for orders -
JL
6/4/96

Bangalore Dy Comr.

Please let me
e a short precis
the Ver: Record
C
15-4-96

Subdr
16/4

Office note in Cash

17

The foregoing order was communicated to the Survey Superintendent, who, in giving that a ruling is of course necessary on the point, prefers with slight modifications the one drafted by the Secretary which as modified by the Survey Superintendent runs as follows: —

"No Darkbacks for "unoccupied land shall "be rejected by Amildars "or Deputy Amildars without "the orders of Deputy Commissioners or Assistant "Commissioners in charge "of Talukas to whom all "such cases shall be "reported with a clear

† No: 5392 D 25-12-96
C.T.D-96

S. No 12.

"statement of the grounds
"on which the rejection is
"recommended."

He further thinks that
Auditors should not
have the power to reject
applications for any
land on their own pres-
-sonsibility; and in
support of his opinion
he says that in Bombay
where very little un-
-occupied land is
available for cultivation,
the rule regarding the
disposal of Surnbeats
are is very strinjent as
all Surnbeats are
required to be submitted
for

Draft as per orders

(3)

Read-

Letter No. 761/472 dated 17th March 1896 from the Deputy Commissioner, Chittledroog District, bringing to the notice of Government two cases in which the Amildar of the Hiriyur Taluk had, upon his own authority, passed orders declining to grant certain lands applied for for cultivation purposes, and soliciting instructions as to whether under the provisions of the Land Revenue Code, Amildars are competent to refuse to grant applications for assessed lands not specially reserved by Government.

Order

The Deputy Commissioner is referred to section 10 of the Land Revenue Regulation and is informed that the question raised is one to be regulated by an express provision in the

the Regulation or the existing practice or any general or special orders of Govt. There seems to be no express provision in the Code authorizing the Amildars to exercise such powers. Nor do there seem to be any general or special orders on the subject. The existing practice must therefore be found out and reported in detail. In the cases reported in the letter above read, the Dy Commr is competent to revise the orders of the Amildar under Section 217 of the Land Revenue Regulation

15-5-96.

Secy.

Mbk.
14/5/96.

To.

The Dy Commr, Chikkadoddaga Dist
returning the Vernacular papers.

The Deputy Commrs of other Distts for report regarding the existing practice.

4

Extract of Rule 19 of the Forest Rules of 1878

* * *

19 — Within fifty yards of the banks of a hill stream or any of its feeders, or within a radius of fifty yards from any spring, or within fifty yards of any road, no tree, shrub, bamboo or jungle in any district forest shall be cut or burnt, nor shall any wood or grass therein be burnt, except by the special direction of the Deputy Commissioner of the District, or the officer in charge of any road passing through the forest, to whom the Deputy Commissioner may have delegated the power to give such directions.

Chitaldrug District
Deputy Commissioner's Office
Dated 17th March 1896.

23

To

The Secretary to the
Government of Mysore,
Revenue and General Departments.

Sir,

I have the honor to solicit instructions as to whether under the provisions of the Land Revenue Code, Amildars are competent to refuse to grant applications for assessed lands not specially reserved by Government.

2. Cases have arisen in the Hiriyur Taluk where owing to some dispute having arisen the Amildar, upon his own authority has passed orders declining to grant the land applied for, for cultivation.

3. I doubt whether an Amildar is competent to pass such an order. He is empowered to grant the land for cultivation in ordinary cases where there is no dispute and where lands

re

are sold he is authorised to sanction the sale when the value of the land sold is limited.

4. The Circular papers on the subject are herewith forwarded.

I have the honor to be
Sir
Your most obedient Servant

[illegible]
Ag: Deputy Commissioner

REVENUE DEPARTMENT
Govt. Sale
189 No. 1063/96
1 JUN. 96
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 28th
Despatched } May 1896.
Received

Enclosures No. —

L.R.
1895
3

No. 1389

Reporting that Amildars have on their own responsibility been rejecting applications for lands for cultivation whenever they consider that they should not be granted.

Rev. Dept.
1/6/96.

Govt Collected Info Good Reply

Records
Please see previous papers if any,
2/6/96

32

Gen. 31

REVENUE DEPARTMENT
Gl. No. 95
R 65
1896
DEWAN'S OFFICE

6

From
The Deputy Commissioner
Shimoga District

To
The Secretary to Government
General and Rev: Departts

Dated

Despatched 22 July 1896.

Received

LR
18-95
5

General No. 7
No, 6

Enclosure No.

With reference to Govt Pro. No 10101-8/3884 dated 15th Ultimo reports that no instances are forthcoming of Amildars having refused to sanction Darkhasts for assessed lands not reserved by Government.

Rev
Kub 6.7.96
Collect and mb
2667

33

1896

From The Deputy Commissioner
Shimoga Dist

To

The Secretary to Govern
General and Revenue

Dated 2d July 1896

No 7/6

Government Proceedings
dated 15th Ultimo enquiring wh
Amildars are competent to refu
application for the grant of a
for cultivation not specially reser
Government.

With reference to the above he
to report that no instances are
in this District of Amildars hav
to sanction Darkhasts without o
orders of the Deputy Commissione
that there are no references to sh
any instructions had been issu
matter by this office to the Amil

Deputy Commissione

No. 1387
Enclosures No. —

28

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Camp Periapatna 25th May 1896.

4

813

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to Government order No. 10101-8 R. 3884 of the 15th May 1896 enquiring if Amildars have on their own responsibility been rejecting applications for lands for cultivation when: ever they consider that they should not be grant: ed, I beg to state that they have been doing so. There is nothing in the Revenue Code or in the regulations to prevent them for doing so. Any party aggrieved by the order so passed may appeal to the appellate authority. I therefore see no reason to alter the present practice. Further if Amildars are to refer to the District Office all the cases in which they think the applications should be rejected correspondence will considerably increase and moreover orders will have to be passed on the references made without the advantage of hearing the parties concerned as the petitions and the Milatary process of issuing notices to them and fixing date for hearing will

have to be adopted. As per present practice the appellants may be heard whenever they come, the endorsements of the Auditors produced by them perused and orders passed.

I have the honour to be,

Sir

Your most obt. servant,

[signature]

Deputy Commissioner

of the Bijapur District.

36

Gen. Serial No. 30.]

REVENUE Gl. 438 JUL 27 DEWAN'S OFFICE

1896-97.

From The Deputy Commissioner
Chitaldroog District.

To

The ~~Chief~~ Secretary to the Govt:
~~Dewan of~~ Mysore.
Revenue & General Depts:

Dated 11 Jul
Despatched 14 Jul } July 1896.
Received

No. 48-95

Enclosures No. 1.

General No. 42.
No. 37.

In reply to Proceedings of Govt:
No: 10101. dated 15th May last.
Rev: 3884. SUBJECT.

Submitting Summary of replies received from Amildars in regard to the manner in which applications for assessed lands are rejected &c:—

References—(to be entered only in the Dewan's Office).

Rev 17.7.96

Kurf - Collect 026

No 1767

R 13/7/96

30

Gen. 31.]

1896

REVENUE DEPARTMENT
Cl. No. 39
4 JUL. 96
DEWAN'S OFFICE

From The Deputy Commissioner,
Kadur District.

To The Secretary to Government
General & Rev. Departments.

Dated 29th June 96.
Despatched " 1st July 96.
Received

General No. 2C / 1895-96.
No. /

Endorsement No. a

With reference to Government Proceedings No. 10101-8 / R 3884 dated 15th May 1896, calling for a report regarding the existing practice prevailing in this District as regards the refusal by the Amildars themselves in their own responsibility darkhasts for assessed lands not specially reserved by Government, has the honor to state that the practice is varied in this District, that in some Talukas such darkhasts are disposed of after obtaining orders of the Deputy Commissioner when objections are raised

and that while in others the Amildars on their own responsibility, refuse such darkhasts if valid grounds exist for so doing; but that in the latter cases, the darkhastdars submit their appeals to this Office when the case is enquired into and orders passed.

Deputy Commissioner
Kaira D.

M.S

34 [Gen. 31.]

REVENUE DEPARTMENT
JUL.
REVENUE OFFICE

From The Superintendent Civil District

To The Secretary to the Government Dewan of Mysore.

Revenue and General Department

Dated 6th July 1896
Despatched 9th July 1896
Received

General No. 133
No. 41

Enclosure No.

LR 1895 6

Subject Government Proceedings No. 2197-8 Dated 3-7-1896 last calling for a report as to the practice prevailing in this District regarding the rejection by Munsiffs of Deeds and Instruments of Application received by them for divorced Cards.

With reference to the above, I have the honour to state that from the

Received 11-7-96
Re The Deputy Commissioners Circular No 17

received from the Amildars and Deputy Amildars it appears that applications received for unsurveyed lands are not rejected on their own authority, but in doubtful or extraordinary cases the matter is submitted for the orders of their immediate superior officers — Deputy Commissioner or Sub-division officer in charge of the Taluk as the case may be.

Asstt. Collr
for Deputy Commissioner
Kolaba
Alibag

No. 42. Cir.

37

Deputy Commissioner's Office
Chittagong District
Dated Chittagong, the 1st July 1896.

817

8

To

The Secretary to the
Government of Bengal
General and Revenue Department.

Sir,

With reference to Proceedings of Government of No. 1161-S dated Rev. 3554
15th May last, I have the honor to submit a Summary of replies received from Municipalities in regard to the manner in which applications for appeal bonds are received.

2. It will be seen that the practice is not uniform and I beg to submit it is desirable some definite rule be laid down in the matter.

I have the honor to be
Sir,
Your most obedient Servant.

Deputy Commissioner
Chittagong District

38

Feb 1917

Summary of Amildan Report regarding the manner in which applications for Land that are accepted are rejected by the Amildan Tehsildars.

1. Tehsildars Amildan reject them on his own authority. 1st when the land is Cold and the realizations fall short of the usual price. 2nd when the applicant himself declares his intention is given to him to cultivate the land. Doubtful cases are referred for the Deputy Commissioners orders.

2. Tehsildars Amildan.

3. Darmagam. When time and persons given for rejecting the application the application is rejected by the Amildan without reference to the Deputy Commissioner. Only doubtful cases are referred for orders.

4. Jagdan. No applications are rejected without returning the Deputy Commissioners orders.

5. Malakandmum. Applications are rejected when the applicant withdraws his application, and those are

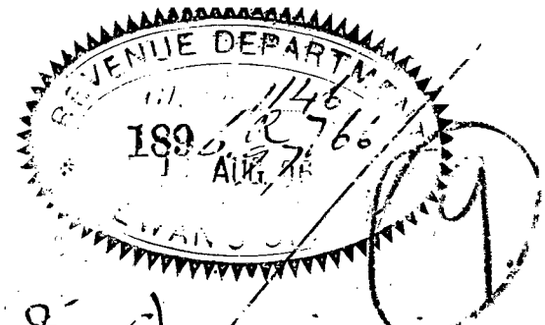
are no Schedules made for the Land.
Other Cases are referred for orders.
6. Wallaroo. Cases are referred
for the orders of the Deputy Com-
-missioner.
7. Virginia. If the Applicant is
satisfied that the Land ought not
to be given, he rejects the application.
Doubtful Cases are referred for
orders.
8. Gawler. As in Barossa.
9. Encounter Bay. Applications for
Town Lands for which applications
have not been rejected, are
registered in the Book. Other doubt-
-ful Cases are referred for orders.

Assistant Commissioner

Waitaluna
11th July 1846

Deputy Commissioner
Waitaluna

Gen. 31]



From
The Commissioner
Canterbury District

To
The Secretary for Lands
Wellington

Dated 10th August 1896

Despatched 11 August 1896

Section LN Received
File No. 18 95 General No.
Sheet No. 8 No. 140

Enclosure No.

With reference to Government Proceedings Gazette 10/01-8 of the 15th May 1896, calling for a report on the practice now adopted by the Commissioners in receiving applications for purchase of occupied lands prior to the date fixed for applications for occupied lands are granted as per rules if there are no objections and in the margin, in such cases as well as in others in which any claims or objections are made, or in the interests of the Crown.

1. Lands containing Native Land Court awards requiring to be reserved.
2. Lands situated near Railways or Roads or Public Reserves or other Crown purposes.
3. Lands containing Native Reserves, Urupas, Kainga, or recognized accesses by the Survey.
4. Lands by the existing rate are liable to appeal to Land Boards or Courts.

Rev 12/8/96

Gaz 10/01-8 15/5/96

Canterbury Gaz 10/01-8 15/5/96

W 12/8

ment and Ryots are
invited / reference
is generally made by
the Revenue Officers
and the Commissioner
for orders.

H. Thackeray
Commissioner

Gen. 31]

REVENUE DEPARTMENT
Gl. No. 1644
R 1744
31 AUG 96
CENSUS OFFICE

From The Deputy Commissioner
Tumkúr District

To The Secretary to the Govt.
of Mysore, Genl and
Rev: Departments

Dated 26th August 1896.

Despatched 27th do

Received

Acc No. 18-95

Serial No. 9

General No. 199.
No. 77

Enclosure No.

Govt. Pro: No 10108-8 27
R 3884
15th May 1896.

Reporting the practice
prevailing in the matter of the
rejection by Circle Officers
of applications for
assessed lands not
specially reserved
by Government.

28/8/96
Circ R. Upon Consolidate
Cfy - 31/8

No: 193 / 11

The Deputy Commissioner's office
Jaunkur district

Dated, 26th August 1896.

To

The Secretary to the Government
of Bellgaon, General and Revenue
Departments.

Sir,

In acknowledging the receipt of Government Proceedings No: 10101-8 / R 5884 dated 5th May 896, calling for a report as to the practice prevailing in this district in the matter of the rejection by Collectors of applications for assessed lands not specially reserved by Government, I have the honor to state that under the existing practice, Collectors as a rule reject applications for such lands on the following grounds:

(A) When no proper value is realized for the lands, and the trees etc. standing on them.

(B) When the lands contain topes or large numbers of trees and are therefore unsuitable for cultivation.

(c) when the lands contain numerous date trees or are in the midst of toddy groves.

(d) when the villagers object to the grant of the lands for cultivation on the ground of public inconvenience.

2. The parties aggrieved by such rejection have the right of appealing against the orders of the Amildar to the Deputy Commissioner.

3. As Amildars have been exercising these powers even before the passing of the Land Revenue Code, and as the continuance of such exercise of powers is sanctioned by clause 2 of section 9 of the Revenue Code, there seems to be nothing illegal in the proceedings of the Amildars in this respect.

I have the honor to be
Sir
Your most obedient servant
Sd. Narain Rao

To the Deputy Commissioner.

Gen. Serial No. 30.

REVENUE DEPARTMENT
Gl. No. 31
C 2279
12 NOV. 96
DEWAN'S OFFICE

45

From

The Deputy Commissioner
Kaipan District

To

The ~~Chief~~ Secretary to the Govt
~~Durbar~~ of Mysore.
Genl & Rev Department.

Dated 9th November 1896

Despatched

Received

No. 18-95

No. 10

Enclosures No. 4

General No. 407 of 1896-97
No. 5

In reply to Rev. Secs. 11-8 & 15-5-96
R. 3884

SUBJECT.

Submitting report on the practice prevailing in the District regarding the rejection by Amildars of application received either for assessed lands not yet received by Government.

References—(to be entered only in the Dewan's Office).

Submitted with office note
30/11/96 13/12/96

Rev
Secs
Subd
Secs
13/11

Rev
13/11

Rev
14/11

~~Extract~~

Draft Rule 50

There Seems to exist no ~~uniformity of~~ practice throughout the Province. If it is deemed necessary to pass a general order, Some Such order as the following may be passed.

" In doubtful cases not provided for
"by Rules or Standing orders, no Par-
"-Khaats for unoccupied assessed land not
"Specially reserved to Govt., Shall be
"rejected by Amildars and Dy Amildars
"without the orders of Dy Comms or Asstt
"Comms in charge of Talukas, to whom all
"Such cases Shall be reported with a
"clear Statement of the grounds on which
"the rejection is recommended."

Secretary

W.D.

No. 407
S.

Deputy Commissioner's Office,
Hassan District,

Dated 4th November 1896.

From

B. L. Krishna Iyengar Esquire
Offg: Deputy Commissioner
Hassan District

To,

The Secretary to the Government
of Mysore, General & Revenue
Department, Bangalore.

Sir,

With reference to Government Proceedings No. 10 S-8 / R3884 dated 5th May 1896, calling for a report as to the practice prevailing in this District, regarding the rejection by Amildars of applications received by them for assessed lands not specially reserved by Government, I have the honor to state that the circumstances under which Amildars in this District have been generally refusing to grant an application on the ground, is, when the amount bid for, in the auction is less than the upset price fixed on it and the auction therefore refused

52 (13)

Cp 437 812

Survey Superintendents Office

Bangalore 8th January

1897

To,

The Secretary to the

Government of Mysore

Sir,

I am returning the file

of correspondence received

under your Docket No. 5892

RF 74-96

dated the 6th January 1897

ending with letter No. 407

of the 9th November 1896 from

the Deputy Commissioner

Hassan District, I have

the

the honor to offer my opinion
regarding the competency or
otherwise of Auditors to re-
-ject, on their own responsibility,
applications for unoccupied
assessed lands not specially
reserved

2 A ruling is of course
necessary on the above point.
The Draft accompanying your
Docket under reply will
I think answer the purpose
but I would omit the first

two

refused to lay the same.

In the Municipal Taluk however the Amildar has been rejecting darkhasts for unused waste lands when such lands are fit for coffee cultivation. Likewise applications for dry lands situated near coffee estates, are rejected on the ground that they may be applied for coffee dewing grounds etc.

Under recent circumstances refuse darkhasts when darkhastdars do not consent to have untouched 50 yards strip of land on either bank of the hill streams. Vide Rule 19 of the Forest Rules of 1878.

I have the honor to be

Sir,

Your Most obedient Servant

[signature]

Dfg Deputy Commissioner
Canara dt

48 Draft as per order

To (12)

The Supdt of Revenue Survey in Mysore.

Dated 25-12-96.
6-1-97

LR 18-95 No 11

5892 Sn 141 file
R 74-96 as per list

In forwarding herewith for reference and kind return, a file of correspondence ending with letter No 407 dated 9th Novr 1896 from the Dy Commr, Hassan District, regarding the subject relating to the competency or otherwise of Amildars to reject on their own responsibility applications for unaccepted assessed lands not specially reserved, has the honor to request that the Supdt of Rev Survey will be so good as to favor

4 P. No. 11.

the Govt with his opinion
as to the advisability
or otherwise of laying
down ~~a~~ the proper procedure
by a rule of practice except in the terms of the accompanying draft
~~Such as has been suggested~~
~~in the accompanying~~
~~extract from this office~~
~~note~~.

"By Order"

2nd Asst Secy 25/12/16

for Secretary

25/12

Gen. Serial No. 20.] 4527
3252
8 JAN 1897
DEWAN'S OFFICE

(13)

Submitted with office Note
(Continued)

From The Supt. Mysore Revenue Survey

To

The ~~Chief~~ Secretary to the Govt.
~~Dewan~~ of Mysore.

Ltr. No.	10-95
Serial No.	12 Dated 5th January 1897

Despatched

Received

Enclosures No. nebile

General No. 437
No.

In reply to General Nos 892 & R. Nos 74-96 of 6.1.97

SUBJECT.

Submitting opinion upon competency of Amildars to reject on their own responsibility applications for unoccupied land

Ans 8/1/97

References (to be entered only in the Dewan's Office.)

Despatched 9/1/97.

(Note - Continued on Amildar's Minute No. 92 &c.)

two lines of the draft from
"I." down to "ruled" inclusive
I would even omit the words
"not specially reserved to
Government" for, under
cover of this, applications
in themselves quite reas-
=onable, might be rejected.
I would moreover omit the
word "assessed"

3. I certainly think
Amildars should not have
the power to reject applica-
=tions for any land on their
own responsibility. In
support of my opinion I
may

Subd for appl.

SG

7

file read as para 1A to Rule XX of the Mysore Land Revenue Rules:—

"1A. No Darkhasto for unoccupied land, shall be rejected by Amildars and Dy Amildars without the orders of Dy Commissioners or Assistant Commissioners in charge of Taluks, to whom all such cases shall be reported with a clear Statement of the grounds on which the rejection is recommended."

Rejection of Darkhasts for unoccupied lands, by whom to be ordered.

3/3/97
Secretary.

2/3/97

To.
The Dy Commrs of Taluks.
" Supt of Rev Survey in Mysore.

may note that in Bombay all Darkhasts now require to be submitted for the sanction of the Collector or of the Assistant Collector. In Bombay there is now very little unoccupied land available for cultivation and the rule has therefore been made stringent. In Mysore there is plenty land still available and I would not interfere with the existing Rules as regards granting

56

granting applications for unoccupied assessed land

I have the honour to be
Sir
Your most obed. Servant
A. Lunn
Supt Clyde Reserve
Survey

57 Draft as for (14)

2 Refts.

Subject LR.
File No 18-95
Vol No 13

Read:-

The following communi-
-cations from the Sub Commrs
of Districts respecting, as required
in Govt Sec. Ltr No 10101-8 dated
R 8884
15th May 1896, upon the practice
existing in their Districts as
regards Amildars rejecting
on their own responsibility,
applications for, access to
Lands not Specially reserved
by Government.

& P. No 3.

	No	Date	From
(1)	1389	28-6-96	S.C. Ellyanur
(2)	906	29-6-96	" Kadur
(3)	7/6	2-7-96	" Shimoga
(4)	138/41	6-7-96	" Kolar
(5)	42/37	11-7-96	" Chitaldrug
(6)	140	10-8-96	" Bangalore
(7)	199	26-8-96	" Tumkur
(8)	407	9-11-96	" Hassan

Also:- Letter No 437 dated 8th
January 1897 from the Supdt
of Forests Survey in Ellyanur
expressing his opinion as to

a general rule being laid
down for adoption ——
as suggested in this office
No 5892 dated 20th Dec 1896
R 7-74-96
and stating that Auditors
should not have power
to reject applications for
any land on their own
responsibility.

Order thereon — No 7624 dated 3/3/97
15-23.
R-7-74-96

Government observe
that there exists no uniformity
of practice in the
Districts in the matter
of Pensions, and therefore
deem it necessary to lay
down a general rule on
the Subject, and accordingly
direct to issue the following
Notification.

Notification.
No 7624
RA-74-96.

The Government of Bombay
are pleased to direct that
the following
be

2 Drafts

50 Draft approved

2 Drafts (15)

No. 7624
F. 7-74-96 dt 3/3/97

Notification.

LR
1-8-95
14

The Govt. of Mysore are pleased to direct that the following be read as para 1A ~~to~~ Rule XV of the Mysore Land Revenue Rules:-

"1A. No Dankhasts for Rejection of unoccupied land Dankhasts for unoccupied lands by whom to be ordered. shall be rejected by Amildars or Deputy Amildars without the orders of Dy. Commissioners or Assistant Commissioners in charge of Talukas, to whom all such cases shall be reported with a clear statement of the grounds on which the rejection is recommended."

By Order
of
3/3/97
Secretary

To.

The Compiler, Mysore Gazette, for publication in the Gazette.

2/3/97

READ :—

The following communications from the Deputy Commissioners of districts, reporting, as required in Government Proceedings No. 10101-3—R. 3884, dated 15th May 1896, upon the practice existing in their districts as regards Amildars rejecting, on their own responsibility, applications for assessed lands not specially reserved by Government.

No.	Date.	From.	
1389	28th May 1896	Deputy Commissioner,	Mysore
906	29th June 1896	Ditto	Kadur
7—6	2nd July 1896	Ditto	Shimoga
133—41	6th July 1896	Ditto	Kolar
42—37	11th July 1896	Ditto	Chitaldrug
140	10th August 1896	Ditto	Bangalore
199	26th August 1896 ..	Ditto	Tumkur
407	9th November 1896 ...	Ditto	Hassan

ALSO :—

Letter No. 427, dated 8th January 1897, from Colonel J. F. Grant, Superintendent of Revenue Survey in Mysore, expressing his opinion as to a general rule being laid down for adoption as suggested in this office No. 5892—R. F. 74-96, dated 25th December 1896, and stating that Amildars should not have power to reject applications for any land on their own responsibility.

No. 7615-23—R. F. 74-96, DATED, BANGALORE, 3RD MARCH 1897.

ORDER THEREON.—Government observe that there exists no uniformity of practice in the province on the point referred to in the above and, therefore, deem it necessary to lay down a general rule on the subject and are accordingly pleased to issue the following Notification.

Notification No. 7624—R. F. 74-96.

The Government of Mysore are pleased to direct that the following be read as part I A of Rule XX of the Mysore Land Revenue Rules.

"I A. No darkhasts for unoccupied land shall be rejected by Amildars or Deputy Amildars without the orders of Deputy Commissioners or Assistant Commissioners in charge of talukas, to whom all such cases shall be reported with a clear statement of the grounds on which the rejection is recommended."

Rejection of darkhasts for unoccupied lands by whom to be ordered.

C. SREENIVASIENGAR
Secy. to Govt. Gen. & Rev. Dept.

To—The Deputy Commissioners of [illegible]
The Superintendent of Revenue Survey in Mysore.

Ed.—H.A.L.

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 3rd March 1897

No. 7615-23 / R. F. 74-96

Directing the issue of a notification to the effect that no darkhast for unoccupied lands shall be rejected by Amildars or Deputy Amildars on their own responsibility.

M.G.C.P.B.—16-3-97—120